

1882-023 Chancery Causes: Marian Jones & vs. Adm. of Joseph Fairfax & Co
Lee Co.

Ely, Craig, Pendleton, Warren

CA-Contract Dispute
T-Property

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Virginia

Humbly complaining your Oratrixes
Lorinda Jones & Maimie Jones would respectfully
show to your Honor that heretofore to wit
on the day of February 1877. They were seized
in fee of a valuable tract of land situated
in said County about 2 miles Southwest of
Honesville adjoining the lands of Daniel
S. Dickinson deceased and others which tract
of land descended to them from their deceased
father Thomas Horron. and for a more
particular description of said land reference
is here made to a deed (which the defendants
file here with conveying said land which
is to be delivered when the purchase money is
paid or provided for.)

Your Oratrixes will further show your Honor
that being so seized and possessed of said
land they contracted the same to one Joseph
Fairfax at his special instance and request
and that they bound themselves to convey the
same to him with Covenants of general
Warranty when he paid to them the full amount
of the purchase price of said tract of land.
Your Oratrixes will further show your Honor
that said Fairfax made took and agreed
to pay your Oratrixes for said land the sum

of \$. one half of which was to be paid
to each of your oratrices. That he paid down
to your oratrix Marianne Jones, the sum of \$
and executed to her his writing obligatory for
\$447.13 the residue thereof payable as follows to wit
\$147.13 on the 1st day of March 1877, \$150.00 on
the 1st day of March 1878, and \$150.00 1st March
1879. as made said note or writing obligatory
bore date on the 5th day of February 1877. Upon
this note the said Fairfax paid on the 19th day
of May 1877, the sum of \$200 and on the 20th
day of December 1877 he paid the further sum of
\$8.00. all of which will more fully appear by
reference to said note, together with the endorsement
on the back thereof, which is filed herewith as
part hereof marked. (A) all the residue of said
note after deducting said credits is due to you or
oratrix the said Marianne Jones. Your oratrices
will further show that said Fairfax paid down
to your oratrix the said Lurinda Jones the sum
of \$ and executed to her his note or writing
obligatory for the residue thereof to be paid as
follows to wit \$62.38 1/2 March 1st 1877, \$150.00
March 1st 1878, and \$150.00 March 1st 1879. This
said note or writing obligatory is dated
February 1877, and is filed herewith as part
hereof marked. (B) The whole of this last mention-
ed note is still due and owing to your oratrix

Your oratrices will now show your Honor
that since this sale was made to wit on the
day of 187. that the said Joseph
Fairfax has departed this life intestate and
that letters of administration upon his estate were
granted to Thomas Ely Sheriff of Lee County
But that he had no personal ^{estate} of any consequence
to be administered, in fact your oratrices are
of opinion that nothing whatever went into the
the hands of said Administrator. Your oratri-
ces, file herewith as aforesaid a deed conveying
said land to the heirs at law of said Joseph Fair-
fax, to be delivered when the Court shall direct.
Your oratrices will now further your Honor that
said Joseph Fairfax left a widow Mahala
Fairfax, and the following children to wit
Miranda who intermarried with one Thomas
Craig, Frances who intermarried with Henry
Pencleton and Keziah Fairfax his heirs at
law. The object of this Bill is to have specif-
ic performance of the Contract aforesaid made
between your Oratrices & the said Joseph Fair-
fax and being remedied at Common Law
they pray your Honor to take Cognizance
of your Cause & to grant them the relief
asked for And to this end they made Shos.
E. Ely Adm. of Joseph Fairfax Decd.
Mahala Fairfax widow of the said Joseph

487 Nov 1881
 15.00
 3.50
 Estimated 23.37
 18.00
 On cl. 5.37
 21.37 July 1881
 4.78

Marion Maranda Jones

vs J. Dill in Chy.

23
 Thos. S. Coley, et al. on op.
 Joseph Fairfax, et al.

1880 Mr. Bill Sealed. Dec.
 Execs. & Decree Mch.
 11 Apr. 1881. N. Court & set hearing
 by Plaintiffs

1880 March Term. Decree
 " & Contd.

1881 Aug. Decree & Contd.
 1881 Mr. Chas. D. H. Contd.

1882. Mutual Decree & Contd.
 George F. H.

Chas. D. H. 1881

Thomas Craig and Maranda his wife formerly Maranda
 Fairfax, Henry Puddleton and Frances his wife formerly Fran-
 ces Fairfax and Reginald Fairfax parties Defendant to this
 Bill And they pray that they may each be required
 to answer its several allegations upon oath, And
 upon a final hearing specific execution of the Com-
 mits. aforesaid be granted And the land sold to
 pay the balance of the purchase money, still due
 your Orator, unless the same is otherwise paid
 And for such other further & general relief
 as is suited to their Case They pray
 issue &c

Messrs. S. Duncan
 for Plaintiff

I bind myself to pay Marium
gouss \$147.13 March 1st 1877, \$150.-
March 1st 1878 and \$150.00 March
1st 1879. Witness my hand and
seal. this February 8th 1877.

Joseph ^{this} Fairfax Seal
mark

Teste-

M. A. Orr

Decr. 20th 1847

Per By 1 Brown horse \$80.00

Credit the within note
of my ~~19th~~ 1847
Benly Solars This 19th 1847

(A)

Marian & Lavinia Jones. Peff
78 3 In chey
Thomas S Ely Adm to it also Dylo

This cause came on again ~~upon~~
this 5th day of April 1882. to be heard
upon the papers formerly read in the
cause and the report of C.T. Surcou
Commissioner this day filed in open
Court and the deed filed with said
report and was argued by Counsel
And said report and deed being
seen and inspected by the Court
and there being no exceptions thereto
they and each of them are confirmed
and Thomas J Ely the purchaser of
said land is allowed to withdraw
the said deed from the file of papers
for recordation upon paying to said
Commissioner the sum of five
dollars for making and executing
said deed and there remaining
nothing further to be done in this
cause it is stricken from the docket.



Marian & Lorinda Jones

vs $\frac{1}{3}$ Deera final

T.S. Ely Answer to it also

Entered page 259

J. B. Hyatt
clerk

Enter This
In C.A.K.

Apr 5th 1882.

Morian + Lorinda Jones

Pltffs

vs

J. In Chey

Thomas S Ely Answer to it also

Defts

This cause came on again this 31st day of March 1882. to be heard upon the papers formerly read the report of C. T. Duncan special Commissioner and statement + vouchers therewith filed on the day of March 1882. and was argued by counsel and it appearing to the Court that said report statement and vouchers have been filed for more than 10 days before the 1st day of this term of the Court and that no exceptions have been filed thereto said report and statement are confirmed, and it appearing that Thomas S Ely the purchaser of said land has paid the full amount of the purchase price of said land said Commissioner Duncan is directed to make and execute a deed conveying said land to said purchaser with covenants of special warranty, And it further appearing to the Court that said Commissioner has paid out to the Plaintiffs all the money received by him for the sales of said land and has filed their receipts for the same with his report it is adjudged and decreed that said Commissioner be and he is forever discharged from all and further liability on account of the fund so received by him when said Commissioner executes said

Horine & Loringda Jones

vs. $\frac{1}{2}$ Dierce

J. S. Ely. Adm'r to et al.

Entered P^o 9811

" " G. Hyatt et al.

Enter This case

1882

March 31st 1882

As will appear to the same to this Court will
the same is continued.

Marian & Clarinda Jones Pliffs
vs 3 In Chcy.
Thomas S Ely Admr et al Dfts

This cause came on again this 31st day of August 1880 ^{to be heard} on the papers formerly read the report of C. T. Duncanson. Special Commissioner filed on the 4th day of August 1880 and was argued by counsel, And it appearing to the Court that said report has been filed for more than 10 days before this term of the Court and that no exceptions have been filed thereto the same is in all things confirmed and it is adjudged ordered and decreed that said Commissioner proceed to collect the moneys due to him for the purchase price of said land as the same falls due but before proceeding to do so he will execute bond before the Clerk of this Court with good security in a penalty of \$1500 conditioned to faithfully account for and pay over all sums so collected by him. And the purchaser of said land may now writ of possession to be issued by the Clerk of this Court, upon his demand and this cause is continued till the next term.

Morian & Clarinda Jones

25 $\frac{3}{4}$ Decree

Thos S. Cely Admin et als

Aug Term 1880

Entered page 14p

J. R. Stickney^{de}

Enter this decree

J. R.

Aug 31st 1880

Marian & Clarinda Jones

Plaintiffs

vs

in Chancery

Thos. S. Ely Adm. &c et als

Defendants

This cause came on this 31st day
of March, ¹⁸⁷⁹ to be heard upon the Bill and
Exhibits filed therewith and was argued
by counsel. And it appearing to the Court
that process has been served upon each
of the Defendants, ^{for more than 30 days before 1st day of this term.} And they each having
failed to appear & answer please orde-
mur the Bill is taken for confessed a-
gainst them. On Consideration whereof
it is adjudged ordered & decreed that
Complainant Clarinda Jones recover of
Thos. S. Ely Adm. &c \$362.38½ with in-
terest on \$62.38½ from March 1st 1877 till
paid and on \$150⁰⁰ from March 1st 1878
till paid and on \$150⁰⁰ from Mar. 1st 1879
till paid, and that the Complainant Ma-
rian Jones recover of the said Thos. S. Ely
Adm. &c \$147.13 with interest on same from
March 1st 1877 till paid, and \$150⁰⁰ with
interest on same from March 1st 1878 till
paid, and \$150⁰⁰ with interest from
March 1st 1879 ^{till paid} subject to the following
credits \$20⁰⁰ paid May 19th 1877 and
\$80⁰⁰ paid Dec. 20th 1877. And it further
appearing to the Court that the said several

sums before mentioned are a vendors lien
 up^{on} the lands in the Bill mentioned, it is
 therefore adjudged ordered & decreed that sen-
 tence the said ~~Thomas S. Ely & Son &c~~
 or the heirs of Joseph Fairfax dead.
 or some one for them shall within 30
 days from the rising of this Court pay to the
 Plaintiffs the sums herein decreed to them
 then C. T. Duncan^{who} is appointed a Commis-
 sioner for the purpose shall proceed to sell
 the lands in the Bill mentioned or so much
 thereof as shall be necessary to satisfy the terms
 of this decree upon a credit of 6, 12 & 18 months
 except a sum sufficient to pay the costs of
 suit & commissions of sale which will be required
 to be paid down, but before he proceeds to
 sell he shall post written notices of said sale
 one^{to be} at the front door of the Court House & an-
 other in the neighborhood of said lands. He shall
 take bonds with good personal security
~~report his action to the Court and then~~
 bearing interest from date for the deferred
~~payments is continued.~~
 payments. He shall report his action
 to the Court & the Cause is contin-
 ued till the next term.

Miriam & Son & Jones

20 Dec 20

Thos. S. Ely & Son &c

Entered on 108-0

Teake for M. O. M. Clerk

[Faint signature]

Morian & Clarinda Jones. Pitffs
vs In chancery.

Thomas S. Ely Adversetale Dft

To the Honorable John Wiley, Judge of the
Circuit Court of Lee County, Virginia

Pursuant to a decree entered in the above
styled cause of the day of. 1880

The undersigned, after having given notice of
the time terms and place of Sale as directed
by the said decree, on the 22 day of June
1880 that being Court day, in front of the door
of the Court House of Lee County, offered for
sale to the highest bidder on a credit of
6, 12, & 18 Months the lands in the bill and
proceedings in said Cause mentioned
and Thomas S. Ely being the highest bidder
the land was knocked down to him at
the price of \$625.00 Six hundred twenty five
dollars. of this sum said Ely paid down
the sum of \$ that being necessary to
pay costs of suit and Commission
of sale and executed his note with A.R.
Emergence as security, payable in six twelve
and eighteen months for \$.

The residue of said Sum of \$625.00 said
sum bearing interest from date,

Of the sum paid down to the for costs of suit
and Commission of Sale so claimed

\$15.00 my fee as attorney. and \$21.50 my
commissions on said Sale, I paid
to H. Mills. \$ his fee as sheriff & to Mr
Orr. \$ his fee as clerk. receipts for
the same are herewith filed marked 1 &
2. respectively. which bears a balance
in my hands of \$ For estimated costs
this sale I regard as a very good one and
recommend its confirmation.

Respectfully Submitted
C. T. Duncan Clerk.

Minutes & Minutes for
vs. Report of Court
J. S. Ely Administrator

Filed Aug. 4th 1880.
H. R. Hickley Clk.

Marian & Lavinia Jones.

vs

J. S. Ely, Esq. & others

In Chancery.

To The Honorable John A. Kelly Judge of
the Circuit Court of Lee County, Va.

The undersigned who was by a decree
entered in the above cause directed to collect
and pay out the fund for which he as Com-
missioner sold the lands in the bill and
proceedings in said cause mentioned, begs
leave to report that he has performed the
duties assigned him in said decree a
statement of which is filed herewith as part
hereof showing both collections and disbur-
sements Morsled (A) by which it appears.
That all the money for which said land sold
has been collected and disbursed. Receipts
for said disbursements are filed with said
statement & Morsled as in the Margin from
1 to 9. inclusive. The purchaser Thos.
J. Ely is now entitled to his due and desires
that it shall be made to him at March Term
1882 if your Honors Court which your commis-
sioner advises should be done.

March 17th 1882. Respectfully submitted

G. T. Emerson Commissioner

& Receiver

C. T. Duncan loan -

Do

1880

To Morian & Lorinda Jones

Nov 26

To cash of T. J. Ely. 1st Principal installment
of the first installment

\$194.60

1 By this sum paid Taxes. 1879. 4.25

2 " " " " Lorinda Jones. Dec 22/80 60.00

3 " " " " Morian Jones. Feb 1st 81. 35.00

4 " " " " Morian Jones Mar 11 81. 35.00

5 " " " " Morian Jones Apr 23. 81 35.17

6 " " " " Lorinda Jones. Apr 25 81 35.17 \$194.59

1881

June 27

To cash of T. J. Ely 2nd installment

200.00

7 By this sum paid Lorinda Jones July 13/81 100.00

8 " " " " Morian Jones. " 20 81. 100.00 200.00

Sept 20.

To this sum cash paid by T. J. Ely
3rd and last installment

203.93

9. By this sum paid Lorinda & Morian
Jones. Sept 20th 1881.

203.93 203.93

6. *San Juan Reins*
To *Statement of*
To Morins & Lorrain Jones

(4)

Received of C. T. Duncan Commissioner in
the Chancery Cause of Moriam & ~~Corinda~~
Jones vs Thomas S Ely Admr. &c. et al. Thirty
five dollars. & 17. Cents amt in full of my
part of the 1st installment of the purchase
price of the land sold in the above styled
Cause this 23rd day of April 1881.

Teste,

D. H. Thompson

Moriam ^{me} Jones
Mfor

Moniam Jones

To $\frac{3}{7}$ Rept

C. T. Duncan com

(5)

Received of C. T. Dunsen, Cashier in the,
Chancery Cause of Meriam & Lorida
Jones vs Thomas & Elly Dunsen et al, Thirty five
dollars, to go as a credit in the sum recovered
by me in the above styled Cause. This the
25th day of April 1881. Cornelia Jones
Sister, John C. Mc Donald

Linnæus, Linnæus

to the Right

C. J. Anderson, Esq.

(6)

Received of C. T. Duncan Comr in the
Chancery cause of Marion - Louisa
vs Thomas S. Cary & Amos & et als.
Dows, One hundred dollars. my part of
the second installment of the purchase
price of the land sold by said Com-
missioner in said cause this 13th day
of July 1881.

Louisa Jones

John

John Mc Dowell

Lorinda Jones

To $\frac{3}{3}$ Rept

C. J. Duncan

(11)

Received of C. S. Duncan Cash in the
Chancery cause of Marian & Lorinda Jones
vs Thomas Sely & others one hundred
dollars amt in full of my part of the 2nd
instalment of purchase price of the land
sold by said Commissioner This 20th
day of July 1881.

Teste.

J. H. Thompson

Marian Jones
Mark

Marion Jones

to ² Repts

G. T. Duncan Com.

8

To the Hon John A Kelly Judge of
the Circuit Court of Lee County Va

The undersigned who was by a
decree rendered in the Chancery cause
of Morian & Clarinda Jones vs J.S.
Ely Burns & others on the 31st day of
March 1882 to convey by deed with
Special Warranty the land in the
bill and proceedings in said cause
mentioned beg leave to report That
he has performed the duty assigned
him by said Decree. and he files
herewith as part hereof the deed
to Thomas J Ely the purchaser of
said land. said Deed is marked
(A) There is nothing further to
do in this case and it may now
be stricken from the docket

Respectfully submitted
C. J. Deaneau Comm

Morian & Lomda Jones
vs. $\frac{1}{2}$ Com Report of dea
T. S. Ely Ann to itals
Filed April 5th 1882.

I bind myself to pay Larinda Jones
three hundred and sixty two dollars
and thirty eight and one half cents
sixty two dollars and thirty eight and
one half cents to be paid March
1st 1877, and 15th of March 1st 1878 and
15th of March 1st 1879. Witness my
hand, and seal this February
1877.

Wm
Mason

Joseph ^{his} Fairfax

Seal

(9)



Mr. Chas. H. H. H.

1879 To **Z. T. CECIL**, Treasurer of **LEE** County, Dr.

	STATE TAX, 50 cents on the \$100.	County Levy, cents on the \$100.	County School Tax, cents on \$100.	District School Tax, cents on \$100.	TOTAL AMOUNT OF TAXES.
To <u>100 Acres of Land, Value, \$150</u>	225	70	68	20	4 03
Property, Income, &c., \$					
Capitation Tax,					
County School Tax,					
District School Tax,					
Total	225	70	68	20	4 03

Jonesville "SENTINEL" Print. |

Received Payment in full, Z. T. Cecil

4 25 Treasurer.

M. C. Jones
To 3 Rept
C. T. Dumas

(1)

Received of C. T. Duncan Commission
since in the Chancery Cause of Moriam
& Corinda Jones vs The S. E. & others
Sixty dollars. to be credited on a claim
decided in said Cause This 22nd day of
December 1880. Corinda Jones
by John McDonald

Linda Jones
To 1/2 Rept
G. L. Duncan Co

(2)

Received of C. T. Duncan Commissioner
in the Chancery cause of Marian & Clarissa
Jones vs Thomas S Ely Sum of & others
Twenty five dollars to be credited on the sum
decreed in my favor in said cause this
1st day of February 1881.

Teste
J. N. Thompson

Marian^{the} Jones
Wife

M. Jones -

to 3 R. 40

C. R. Duncan
John

(31)

Received of C. T. Duncan Commissioner in
the Chancery cause of Morian & Lorinda Jones
vs. Thomas S. Sely & others
Twenty five dollars to go as a credit on the sum
decreed me in said cause - This the 11th day

of March 1881.

Morian & Jones
noted

Teste J. F. Thompson

5570

Memorandum

To $\frac{2}{3}$ Capt

B. C. Duncan Com

(41)

Received of C. T. Dineen, Commissioner,
in the Chancery, cause of Moriam
& Clarinda Jones vs Thomas & ^{others} ~~two~~
hundred, and three dollars, and ninety
three cents amount in full of the balance
due ~~due~~ us on the purchase price of
the land in the bill and proceedings
mentioned this the 20th day of Sept
ember 1881.

Test John M. O'Connell
J. F. Thompson Maricopa Arizona

Horace Jones
 +
 Lorinda Jones
 To 3 Rept
 C. L. Duncan

(9)

$\frac{3569.13}{189.71}$

189.71

$\frac{132797}{9485}$

"

$\frac{142282}{18971}$

203.93

Received of C. T. Duncan Commissioner in
the chancery cause of Marian & Clarinda
Jones vs Thomas S Ely Sum. & also, Three
dollars & fifty cents Sheriffs Costs in said
Cause. This 22nd day of June 1880.

Francis Miles D Sheriff
for T. S. Ely & L. C.

Received of. C. T. Duncan Commissioner in
the Chancery cause of. Morian & Clara Ann
Jones vs Thos S Ely Adam & others from. dollars.
& 87 Cents clerk's costs in said Suit.

This 22nd day of June 1880.

James W. Orr. Clerk

The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

Thomas Sely Adams of
Joseph Fairfax dec'd, Mahala Fairfax
widow of said Joseph Fairfax, Thomas
Loring & Miranda his wife, Harry Pendle
Wm & Frances his wife, Resiah Fairfax
heirs at law of Joseph Fairfax deceased.

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in March
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against them by

Samuel Jones & Marion Jones.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 6th day
of July 1880, in the 10th year of the Commonwealth.

James W. Orr,

Clerk.

Thos. S. E. [unclear]
Linda [unclear]
to [unclear] [unclear]

Thos. S. E. [unclear]
[unclear] [unclear]

March Rules, 1880.

Excused by the
Linnigan office
Copy of the written
to T. S. E. [unclear], Ma-
hara [unclear], [unclear]
as [unclear], [unclear]
[unclear], Henry [unclear]
[unclear], [unclear], [unclear]
[unclear] [unclear].
July 17th 1880

L. Miles Dr.
for T. S. E. [unclear]

~~~~~  
~~~~~

20.
80.
18.
15.
18.
10.
1.00.
36.
40.
1.50
\$4.47